

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

TEXAS PACIFIC LAND TRUST and, solely in  
their respective capacities as trustees for Texas  
Pacific Land Trust, DAVID E. BARRY and JOHN  
R. NORRIS III,

*Plaintiffs,*

– against –

ERIC L. OLIVER,

*Defendant,*

and

ERIC L. OLIVER, SOFTVEST, L.P., HORIZON  
KINETICS LLC, and ART-FGT FAMILY  
PARTNERS LIMITED,

*Counter-Plaintiffs,*

– against –

DAVID E. BARRY and JOHN R. NORRIS III, in  
their individual capacities and in their capacities as  
trustees for the Texas Pacific Land Trust,

*Counter-Defendants.*

CASE NO. 3:19-cv-01224-B

**AGREED JOINT MOTION TO DISMISS ALL CLAIMS WITHOUT PREJUDICE**

Plaintiffs Texas Pacific Land Trust and, solely in their respective capacities as trustees for Texas Pacific Land Trust, David E. Barry and John R. Norris III (collectively, “Plaintiffs”), Eric L. Oliver (“Defendant”), and SoftVest, L.P., Horizon Kinetics, LLC, and ART-FGT Family Partners Limited (together with Defendant “Counter-Plaintiffs”) hereby file this Agreed Joint Motion to Dismiss All Claims Without Prejudice.

On May 22, 2019, Plaintiffs filed an Amended Complaint alleging violations of the Securities Exchange Act of 1934 and seeking a declaratory judgment. Dkt No. 15. On June 18,

2019, Counter-Plaintiffs filed Amended Counterclaims also seeking a declaratory judgment and alleging various causes of action sounding in tort and contract. Dkt. No. 22. Having entered into a settlement agreement on July 30, 2019 (the “Agreement”), the Parties respectfully request that the Court dismiss all claims and counterclaims in this action, in their entirety, without prejudice. The Parties likewise respectfully request that the Court retain exclusive jurisdiction over the Parties for purposes of enforcing the Agreement.

Plaintiffs and Counter-Plaintiffs agree that all claims and counterclaims should be dismissed without prejudice.

### **PRAYER FOR RELIEF**

Pursuant to Rule 41 of the Federal Rules of Civil Procedure and this Court’s equitable powers, the Parties respectfully request that the Court grant this motion and dismiss all claims in the Amended Complaint (Dkt. 15) and the Amended Counterclaims (Dkt. 22) without prejudice, pursuant to their settlement agreement entered into on July 30, 2019. The Parties further request that this Court retain exclusive jurisdiction to enforce the settlement agreement in the event such enforcement becomes necessary. Each party to bear its own costs as incurred.

DATED: July 30, 2019

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

In accordance with Rule 5 of the Federal Rules of Civil Procedure, the undersigned hereby certifies that on July 30, 2019, I caused a true and correct copy of the foregoing document to be served electronically via the Court's CM/ECF system on the following parties:

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